

DRAFT
26 May 1970

MEMORANDUM FOR: Deputy Director of Intelligence

SUBJECT : CIA Participation in the Law of the
Sea Task Force

1. The Legal Advisor, Department of State, has asked OBG1 to provide assistance to a working group of the recently formed Law of the Sea Task Force (Attachment 1). In my view, the Task Force is concerned with policy matters that will be of increasing importance to CIA. The following paragraphs briefly describe the situation as it stands and the approach I would propose we take.

2. Background

a. The rapid advance of technology over the past ten years has greatly changed the political significance of the oceans. Agreements reached in the Law of the Sea Conferences at Geneva in 1958 and 1960 were incomplete and not wholly viable at the time. ^{now} New international agreements are needed to update and revitalize the regime of law covering fisheries, the territorial sea, and use of the continental shelves, and to regulate international practice in matters of pollution and exploitation of the deep seabed. Failure to renegotiate acceptable international codes

State Dept. review completed

will result in the continued proliferation of extreme unilateral claims and unrestrained seaward extension of national sovereignty. As one author observes: "It is difficult to overemphasize the importance to the United States of the present international process of forming a future regime of the oceans. The regime will be a very important factor in molding the future world order, in international stability, and in the capability of the United States to enhance its own prosperity"

b. In recognition of the implications of this situation for basic intelligence, the Geography Division in 1969 began discussions with The Geographer, Department of State, looking to the joint establishment and interagency development of a comprehensive data bank on national interests in the sea. I subsequently approved the initiation of a pilot effort on 5 countries according to a draft outline (Attachment 2) that would be coordinated with OCS, OSI, and DDI Offices. A tentative query as to NAVOCEANO cooperation brought a strong affirmative response.

c. The Law of the Sea Task Force was formed in January 1970 in response to a White House directive to State to prepare for anticipated bilateral and multilateral negotiations in 1971 and beyond. The purpose of the Task Force, is in general, to prepare and coordinate U. S. negotiating positions for Executive Branch approval; to facilitate necessary consultations with the Congress, industry,

and the scientific community; to prepare and coordinate the negotiations themselves; and to create a supporting data bank (Attachment 3). A paralleling activity was the convening of an Under Secretaries Committee meeting to consider the U. S. position on the seabed boundary, the results of which were announced by President Nixon on 24 May. A DDI briefing paper was prepared by OBGi for General Cushman's use in this activity (Attachment 4).

d. We became involved in Task Force affairs when State's Office of the Geographer made the Task Force aware of our proposed data bank outline. The outline, slightly expanded, was subsequently adopted by the Task Force. A trial compilation of data on selected countries has been initiated, essentially as we had envisioned it, with all participant agencies contributing. The formal request for CIA aid followed.

3. Benefits and Costs of CIA Involvement

a. The Task Force deals with global matters of political, economic, and military geography that are long-standing concerns of OBGi. Representative capabilities and interests of other offices that might be involved are:

- Military use of 'the seabed' (OSI, OSR)
- Commercial exploitation of deep sea areas (OER)
- Foreign attitudes, positions, and conflicts on law of the sea issues (OCI, WNE)
- Ocean-related ARM (OSI)



b. The function of the Task Force as an apparatus facilitating interagency action on the data bank will save us much effort and time. We will be able to concentrate more freely on subject areas in which we have special expertise, on the compilation of code-word sub-files to be retained (presumably) in the Agency, and in coordination with OCS on the development of computerized modes.

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d. Outlays by OBGi in support of the Task Force would probably not exceed the equivalent of one full-time analyst. This support would extend over the life of the Task Force — perhaps 18 months. A large part of the support would do double duty, in that it would also support our own data base effort and our involvement in the tasks of other interagency activities, such as the Working Group for Formulation of U. S. Policy on the Arctic.

Outlays by other CIA Offices would normally consist in aiding the preparation of Agency responses to draft Task Force papers and in attending incidental specialists' meetings.

4. If you agree, I would propose to approve Mr. Stevenson's request for our assistance in the work of the Task Force. I would, however, broaden the terms of the assistance to include support of the Task Force overall, not merely ^{support of} the Information and Research Working Group (IRWG) as mentioned in the memo of request. As CIA Representative to the Task Force at large, I would designate

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[redacted] and as Representative to the IRWG, because of his expertise in this field, I would designate [redacted] Briefings of the concerned Offices in the DDI and DDS&T would be undertaken immediately.

JAMES A. BRAMMELL
Director
Basic and Geographic Intelligence

Attachments:

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MEMORANDUM

May 6, 1970

TO: Mr. James A. Brammell - Director, Office of
Basic and Geographic Intelligence, CIA

FROM: John R. Stevenson - Chairman, Law of the Sea
Task Force

SUBJECT: CIA Participation in the Law of the Sea Task
Force

An important function of the Law of the Sea (LOS) Task Force is to collect information on ocean affairs for long-term use by all U.S. Government agencies and for the more immediate purpose of preparing for a possible international conference on LOS subjects. This data bank, as envisaged, will contain a variety of facts about the oceans. Some facts will necessarily be classified, but none will be so sensitive as to preclude effective use by interested government agencies.

Within the organization of the Task Force, responsibility for developing a workable ocean data bank is delegated to an Information and Research Working Group. The Chairman of that Working Group, Charles J. Pitman of State, is authorized to request as needed the assistance of other members of the Task Force, which includes the CIA as an ad hoc member. He has, in fact, been working with representatives of Interior and Defense and with [redacted] of your office on initial planning of the data bank.

I would like now to request formally the cooperation of your Office in the formation of the data bank. Specifically, this cooperation will involve the continued assistance

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of [] in collecting certain information available to OBGI. I understand that [] will periodically inform you about the nature of his work with the Task Force.

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The three attached memoranda describe the format of the data bank and the organization of the Law of the Sea Task Force.

Attachments: As stated.

L/PMO:CJP:jman:cek

12 January 1970

MEMORANDUM FOR: Director of Basic and Geographic Intelligence

SUBJECT : Proposed Maritime Data Bank

1. As you know, over the past year there has been frequent contact between State (Office of the Geographer) and O&GI to discuss the creation and management of a data base on expanding national interests in the sea. Both offices need to have a developed expertise to respond to specific problems on a short term basis, and both offices feel a responsibility for broad dissemination of accurate and up-to-date information on basic subjects deemed relevant to national intelligence and sovereignty problems.

is exploring the possibilities of automating the tedious mapping of base lines and territorial waters boundaries. We feel ready now to proceed with an initial compilation and dissemination effort. This memorandum summarizes our conclusions and outlines the proposed project.

2. Man's increasing ability to exploit the maritime areas of the world has greatly increased US requirements for data on maritime physical features and the rights and claims of foreign nations in maritime areas. There is an immediate need to support two major international conferences which will be meeting soon to define and/or further refine national rights concerning the seabed and territorial waters. Any policies developed during these conferences are of great concern to the US. Pending the formulation of such policies -- and probably long after they take effect -- conflicts between nations over maritime rights will arise, and will have to be monitored and evaluated by the Intelligence Community.

3. Data needed on the world's maritime areas and on national interests, claims, and activities in offshore areas are becoming available in increasing quantities from a wide variety of sources. At the present time, however, no government or private organization collects and integrates such data in a manner which can provide the necessary degree of timely, effective support to policy-makers and the Intelligence Community.

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4. To meet this need, we recommend that a systematic data bank of maritime information be developed -- initially on an exploratory basis and subsequently, as the results warrant, on a continuing basis. The attached list outlines the scope of data that could be included in the data bank and also indicates potential sources of information. The data included should be broad enough to provide a comprehensive picture of each nation's interests, capabilities, and claims in maritime areas. It should also include appropriate political and economic factors which could be correlated with other data in analyzing national policies and alignments in negotiations on maritime affairs.

5. The list is presently being coordinated with the Office of the Geographer of the Department of State to ensure that only the most essential information is included. Much data (e.g., length of coastlines, width of territorial waters) are already available in synoptical tables in various publications; some can be compiled with minimum effort from various sources; and the remainder will involve a research and collection effort.

6. It is proposed that the first step in creating such a data bank be undertaken by Geography Division for a select number of countries. Completion of this step will give us both a better knowledge of the requirements and capabilities of the other agencies involved in maritime affairs and a better idea of the magnitude of effort needed to compile the data for all the maritime countries of the world. If the results of the exercise are favorable, an interagency meeting under the aegis of the NIS Committee could then be called to consider possible compilation of the data on a worldwide basis as an NIS function, looking to a publication format similar to the NIS Factbook.

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Chief, Geography Division

Attachment

PROPOSED DATA BANK ON MARITIME INFORMATION

TENTATIVE COUNTRY OUTLINE

<u>Data</u>	<u>Comments</u>
GENERAL INFORMATION	Inclusion of some general economic and political indices in the data bank will facilitate correlation of a nation's maritime interests with other basic characteristics. These or similar types of data are already available in UN or other publications and can be compiled by OBGI.
Area	
Population	
Per capita GNP	
Per capita protein consumption	
Per capita energy consumption	
Data of independence	
PHYSICAL FEATURES	Information on the physical aspects of coastlines and bathymetry of offshore areas is significant for delimiting boundaries in water areas. Precise data on most of these subjects would require map research and compilation of materials not now readily available for many areas of the world.
Length of coastline	
Adjacent water body	
Nature of Coastline (in terms relating to baseline construction)	
Nature of adjacent seabed configuration	
Ocean area with depths less than 100 meters 200 meters 500 meters 1,000 meters	
Width of Continental Shelf (Min., Max., Avg.)	
Area of Continental Shelf	
Ocean area within 12 NM	
Ocean area within 50 NM	

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<u>Data</u>	<u>Comments</u>
NATIONAL CLAIMS	Some basic reference data on existing national claims in maritime areas
Territorial Sea:	have already been compiled by Office of the Geographer, Department of State. Remainder would probably be best compiled as a joint effort with OBGI using OBGI files and other reference material in CIA and State.
Width/date of claim	
Width/date of previous claim	
Nature of baseline(s)	
Maximum length of closing line for bays and estuaries	
Claims to other water bodies; name; nature of claim; date	
Special zones claims (width/date of claim)	
Exclusive fishing	
Fish conservation	
Protective area	
Civil jurisdiction	
Customs	
Neutrality	
Defense security	
Sanitation control	
Airspace	
Other	
Claims to shelf (Nature of claim/date)	
Claims to seabed (Nature of claim/date)	
Median line agreements	
Claims to straits	
Control of international straits	
Strait/width	

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<u>Data</u>	<u>Comments</u>
ECONOMIC RESOURCES	
Fishing	This type of data is indicative of extent of a nation's economic interests in the sea. Data are available to some extent in UN, Foreign Agricultural Organization, Bureau of Commercial Fisheries, and Center for Naval Analyses files and publications.
Catch--distant	
Catch--coastal	
Domestic consumption	
Export	
Contribution to Gross National Product (or some index to relative importance to economy of country)	
Location of coastal fisheries (map reference?)	
Other food resources (kelp beds)	
Offshore Seabed Mineral Resources	
Known Deposits:	Locational information for both deposits and concessions could best be handled through maps; but may also be listed by coordinates, depths, and distance from shore; shelf or deep seabed.
Oil and gas	
Other minerals	
Concessions:	
Companies (domestic and/or foreign)	
Nature of activities	
Production	
Value to country	
SCIENTIFIC EFFORTS AND TECHNICAL CAPABILITIES	
Government expenditures	Indicative of level of maritime technology and ability to exploit offshore economic resources. Data probably difficult to compile.
Participation in international programs	
Attitudes toward offshore research by other nations	
Other	

<u>Data</u>	<u>Comments</u>
FLEETS	Indicative of national capabilities in maritime areas; data can be compiled from existing intelligence and commercial sources.
Merchant	
Naval	
Fishing	
Icebreakers	
Intelligence collection vessels	
Oceanographic and fisheries research	
LEGAL COMMITMENTS AND OBLIGATIONS	Would provide basic reference to a nation's existing legal commitments to maritime affairs and reflect its general position. Would probably require use of State Department resources in compilation.
United Nations membership	
Vote on specific maritime issues	
UN Seabed Committee membership	
Geneva Conventions ratification	
Territorial sea and contiguous zone	
High seas	
Fishing and conservation	
Continental shelf	
Compulsory settlement of disputes (optional protocol)	
Regional agreements	
Bilateral agreements	
Seabed nuclear weapons ban	
Domestic legislation	
MARITIME CONFLICTS	
BASIC SOURCES (including mapping)	List of references to basic documentary sources for more detailed research.

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March 23, 1970

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ORGANIZATION OF THE LAW OF THE SEA TASK FORCE

(List of Members Attached)

PURPOSE:

To coordinate the U.S. Government's negotiating position on Law of the Sea issues, including the seabeds, to insure maximum success possible for the United States in the proposed Law of the Sea Conference and at the United Nations.

FUNCTIONS:

1. To prepare, coordinate among all Departments and Agencies having responsibilities in the matters, and seek Executive Branch approval of U.S. positions on:
 - (a) Territorial Seas, Straits and Fisheries
 - (b) Limits of National Jurisdiction over the Seabed
 - (c) Regime for the peaceful uses of the seabed and the ocean floor beyond the limits of national jurisdiction
2. To prepare, coordinate and agree on the conduct of necessary consultations with interested committees and members of the Congress and representatives of industry and the scientific community on the subjects mentioned in (1).
3. To prepare and coordinate bilateral and multilateral diplomatic negotiations of approved U.S. positions on those subjects, pursuant to the White House directive to the Secretary of State of January 8, 1970.
4. To collect, collate, and maintain records of international and domestic law and customs and actions and positions of other nations on these subjects, and of international

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information in support of the further negotiation mentioned in
(3).

MEETINGS:

The Chairman (or in his absence, the Vice Chairman) will call meetings of the Task Force.

1. Executive Level Coordination

This will be handled by the Chairman (and in his absence by the Vice Chairman). It will involve coordination at the Under Secretary, Assistant Secretary and Deputy Assistant Secretary level within the Department of State with other Departments and Agencies.

2. Executive Operations Group

The Chairman, the Vice Chairman, and the designated representatives of the Departments of Defense and Interior will make up this group. Representatives of other Departments, other Bureaus of the Department of State, officers of USUN or other diplomatic missions concerned and members of Task Force Working Groups will be invited as deemed appropriate by the Chairman (or in his absence, the Vice Chairman) who will call the meetings of the group. The Executive Operations Group will identify and assign the tasks and priorities required for the effective discharge of the functions noted above. It will consider recommendations and reports of the Task Force Working Groups. It will determine the need for, and arrange, Executive Branch consideration of and decisions on particular matters. It will assure the compatibility of the positions it recommends with U.S. positions and negotiations regarding oceanographic research, marine pollution, safety at sea, etc.

3. Law of the Sea (LOS) Working Group

This will comprise representatives of L (Chairman), IO, PM, E, SCI and S/FW in State, and of the Departments of Defense, Interior and Justice. Its members will undertake initial drafting of papers determined by the Operations Group to be required under functions 1(a) and (b) above, and will obtain necessary working level clearances thereof. It will also recommend

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workpieces and procedures for the Operations Group. It will meet at the call of its Chairman.

4. Regime for Peaceful Uses Working Group

This will comprise representatives of 10 (Chairman), 10, E, SCI, S/FW in State and of the Departments of Defense, Interior, Commerce and Transportation, and the Marine Council. Its members will undertake the initial drafting of papers determined by the Operations Group to be required under function 1(c) above, and will obtain necessary working level clearances thereof; it will also recommend work needs and priorities in those subjects to the Operations Group. It will meet at the call of its Chairman.

5. Information and Research Working Group

This will comprise representatives of 1 (Chairman), 10, SNS, INR, the Geographer, and the regional bureaus of the Department of State, with the assistance of representatives of other members of the Task Force as required. It will carry out function 4 above, under the general direction of the Operations Group. It will meet at the call of its Chairman.

6. Secretariat

This will comprise one officer each of L and 10, designated by the Chairman and Vice Chairman. It will maintain records of decisions and actions of the Task Force and its Working Groups, and assure appropriate follow-up; arrange and attend meetings of the Task Force; assure adequate and timely documentation of meetings of the Task Force and of the Operations and Working Groups; and assist in arranging Executive Branch consideration and decision-making as the Operations Group may direct.

Attachment: List of Members

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27 January 1970

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MEMORANDUM FOR: ODDI

THROUGH : Chief, Geography Division, OBG

SUBJECT : Comments on Proposed "U.S. Position on Seabed Boundary"

1. Background. The proposed U.S. Position on Seabed Boundary reaffirms the 1958 Geneva Convention on the Continental Shelf by maintaining the 200-meter isobath as the seaward boundary of a coastal state's "sovereign rights" to seabed mineral resources. Beyond the 200-meter line, the new policy seeks to establish an explicit physical boundary -- the seaward edge of the geologic continental rise -- that confines the coastal state's jurisdiction, whereas previously the Geneva Convention had provided that a coastal state could exploit resources on the shelf to whatever limit its technical capability could reach. This area between the 200-meter isobath and the foot of the rise is referred to as the "intermediate" zone, and it is with the regime of this zone that the proposal is chiefly concerned. According to the proposal, in the intermediate zone the rights and responsibilities of the coastal state and the international community are blended: the coastal state has "jurisdiction" over exploration and exploitation rather than "sovereign rights"; certain internationally agreed rules govern mineral exploration and exploitation activities; freedom of scientific research is to be guaranteed; and part of the value of the mineral resources must be contributed to an international fund. Beyond the intermediate zone the policy looks to an unspecified international regime over the remaining deep seabed.

2. The following comments are addressed to 1) the difficulties involved in implementing the boundary concepts proposed, difficulties which we feel are insufficiently treated in the background paper; 2)

3) some implications of the proposed position with respect to the USSR; and 4) some reflections on the political feasibility of the concepts.

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3. Boundary delimitation problems. The background statement accompanying the proposed U.S. Position on Seabed Boundary does not afford a sufficient appreciation of the difficulty, time, or effort required to delimit the boundaries proposed. As exploitation increases the needs for large-scale cartographic delimitation will become real and immediate rather than abstract as they have been to the present time. We feel that the scope and difficulty of the problems involved are of a considerably greater order of magnitude than those encountered heretofore in land boundary delimitation, and therefore deserve to be considered in more detail before the general concepts are accepted and implementation prove infeasible.

4. A critical problem concerns the landward boundary of the intermediate zone. A boundary defined by the 200-meter isobath produces underwater "islands", which will present the same type of problem in drawing the boundary isobath as offshore islands currently present in drawing the territorial waters baseline for various countries. A complex set of rules will have to be agreed upon and applied -- and if past international experience in formulating base line rules is any index, this will be a very difficult task. The jurisdiction of island nations or island dependencies which lie within the continental margin of coastal states (e.g., the Bahama Islands within the continental margin of the U.S.; the Falkland Islands within the continental margin of Argentina) will have to be delimited by special rules. The large-scale cartographic delimitation of the landward boundary isobath of the intermediate zone could thus well become a protracted and expensive effort with considerable conflict potential in certain areas. Defining the seaward boundary of the intermediate zone as the foot of the rise also presents a complex technical problem. No mention is made of responsibility for, or financing of, the boundary delimitation effort. Do we foresee that it will be undertaken systematically by an international team, or haphazardly by individual nations as individual cases, or crises, arise?

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25X1C [redacted] The 1958 Geneva Convention on the Continental Shelf has had the effect of curtailing research on many shelf areas around the world. The Convention affirmed the coastal state's authority to grant or deny consent for research on its shelf, but provided that the state "shall not normally withhold its consent" to a legitimate scientific endeavor. In practice, however, as noted in the Analysis of the Proposal (TAB A, p. 8) this consent has been increasingly difficult to obtain because of the fears of the coastal state that any type of research could be used to the detriment of its own economic and military interests.


6. The proposal acknowledges the problem by attempting to be very explicit about safeguarding scientific research within the newly created intermediate zone. Although it grants the coastal state authority over both exploitation and exploration, it proposes to define "exploration" in such a way "as to ensure freedom for legitimate scientific research." The crux of the problem -- the distinction between legitimate and other kinds of research -- remains unresolved, and probably cannot be productively resolved, since all pure research can be applied to military and economic ends, just as all applied research contributes to the sum of knowledge.

7. So long as the coastal state's permission is required, it can inhibit research, through delay and red tape, if necessary, regardless of the definition agreed upon. We feel that the only realistic way to avoid a situation in which the coastal state can inhibit scientific research is to limit the coastal state's jurisdictional rights in the intermediate zone to mineral exploitation only, and to affirm complete freedom for all types of investigation of the seabed in the intermediate zone.

8. Implications with respect to the USSR. Some of the broadest areas of continental shelf in the world lie off the Arctic coast of the USSR, which consequently has more seabed area within the 200-meter isobath than any other country, and off-shore sedimentary basins make the seabed particularly favorable for petroleum resources. Developing capabilities to operate under and through the icepack will tend to increase the military and economic utility of the area. Of particular interest is the seabed off East Siberia, in the Chukchi and Bering Seas, where the sovereign rights of the USSR abut on the U.S.-controlled shelf off Alaska. Discovery of valuable minerals in this area may ultimately require agreement between the USA and the USSR on a precisely drawn median line for mineral rights, or mutual acceptance of the U.S.-Russian Convention Line of 1967 as a more comprehensive type of boundary. Beyond the 200-meter isobath in the Arctic Basin the Soviet Union also has large area of continental slope. Soviet acceptance of an intermediate zone regime for this area, or of an international regime for the Arctic seabed area beyond, would constitute a significant and unlikely change of attitude toward their claim of domain over their sector of the Arctic.

9. Because only a relatively few countries with wide continental margins stand to profit appreciably from this proposed agreement, the chances of its passage as a U.N. Treaty would appear slim. The small (2 percent suggested) payment from the value of mineral production in the intermediate zone into an international common pool seems hardly attractive enough to the host of countries that have narrow shelves.

are self-locked, or land-locked. Some countries with narrow shelves, the discussion suggests, might be attracted by a compensatory arrangement which provides for jurisdiction over a fixed distance from shore. While such propositions offer the coastal nation the psychological security of distance, they are meaningless since the seabed acquired is too deep for mineral exploitation in the foreseeable future.


Chief, USSR-Europe Branch
Geography Division, OBG

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